

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

John A. Brooks

v.

Civil No. 07-411-JD

Kelly A. Ayotte, et al.

PROCEDURAL ORDER

This matter came before me on a Report and Recommendation (R&R) by Magistrate Judge James Muirhead that a preliminary injunction issue against the defendants the terms of which proposed injunction are set forth in paragraphs 1 thru 4 on page 35 of the R&R. The defendants objected to the R&R thereby joining the issue and making the matter ripe for a de novo review by me pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and (C).

After a preliminary review of the case and a telephone conference with counsel, I met with counsel in chambers to discuss some of the legal and factual issues surrounding the request for preliminary injunction and the hearing before the Magistrate Judge. I encouraged counsel and the parties to step back from the disputatious atmosphere of the preliminary injunction hearing and to review their positions from a more objective perspective with the goal of reaching an agreement that would resolve their differences.

To their credit, counsel and the parties willingly engaged in good faith discussions over a period of several weeks. After several more chambers' conferences and with the continued encouragement of the court, they were able to arrive at a stipulation which was filed with the court on March 19, 2008, along with a joint motion to stay these proceedings.

The Joint Motion To Stay the Proceedings is granted. The proceedings in this case shall be stayed pending a completion of the pending state criminal charges against the plaintiff, John A. Brooks, or until further order of this court. The Stipulation of The Parties is approved. The parties shall be bound by the terms and conditions as set forth in the stipulation. All pending motions and objections are terminated subject to being revived on motion by any party, if necessary, at an appropriate time.

The court commends counsel and the parties for their good faith efforts and hard work in arriving at the stipulation.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

March 20, 2008

cc: Christopher H.M. Carter, Esquire
Daniel Miville Deschenes, Esquire
Thomas M. Hoopes, Esquire
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